

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 158**

4 (By Senators Beach and Stollings)

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6 [Originating in the Committee on Transportation and  
7 Infrastructure; reported March 14, 2013.]

**Interim  
Bill**

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new article, designated §17-4A-1, §17-4A-2  
13 and §17-4A-3, all relating to creation of the Complete Streets  
14 Act; adopting a complete streets policy applicable to all  
15 streets, roads and highways and other transportation  
16 infrastructure facilities under the jurisdiction of the  
17 Commissioner of Highways; providing for model complete streets  
18 policies for use by counties and municipalities; creating a  
19 Complete Streets Advisory Board; providing for reimbursement  
20 of mileage expenses of board members; and requiring annual  
21 reports.

22 *Be it enacted by the Legislature of West Virginia:*

23 That the Code of West Virginia, 1931, as amended, be amended  
24 by adding thereto a new article, designated §17-4A-1, §17-4A-2 and

1 §17-4A-3, all to read as follows:

2 **ARTICLE 4A. COMPLETE STREETS ACT.**

3 **§17-4A-1. Complete Streets.**

4 (a) Vehicular, public transportation, bicycle, and pedestrian  
5 modes are integral to the transportation system of this state. The  
6 Division of Highways may view all transportation improvements as  
7 opportunities to improve safety, access and mobility for all  
8 travelers.

9 (b) All transportation projects receiving federal or state  
10 funds should strive to improve safety, access and mobility for  
11 users of all ages and abilities, defined to include pedestrians,  
12 bicyclists, public transportation vehicles and their passengers,  
13 motorists, movers of commercial goods, persons with disabilities,  
14 older adults and children.

15 (c) Accommodation of all users should be considered in the  
16 planning, design, construction, reconstruction, rehabilitation,  
17 maintenance and operations of any state, county, or local  
18 transportation facilities receiving funds from the Division of  
19 Highways. The Division of Highways is encouraged to create a safe,  
20 comprehensive, integrated and connected network to accommodate all  
21 users in a manner that is suitable to the rural, suburban or urban  
22 context.

23 (d) The Division of Highways is encouraged to use the latest  
24 and best design standards as they apply to bicycle, pedestrian,

1 transit and highway facilities, which may include, but are not  
2 limited to, the latest editions of:

3 (1) A Policy on Geometric Design of Highways and Streets, from  
4 the American Association of State Highway and Transportation  
5 Officials;

6 (2) Designing Walkable Urban Thoroughfares: A Context  
7 Sensitive Approach: An ITE Recommended Practice, from the Institute  
8 of Transportation Engineers;

9 (3) Guide for the Development of Bicycle Facilities, from the  
10 American Association of State Highway and Transportation Officials;

11 (4) Guide for the Planning, Design and Operation of Pedestrian  
12 Facilities, from the American Association of State Highway and  
13 Transportation Officials;

14 (5) Public Rights-of-Way Accessibility Guidelines, from the  
15 U.S. Access Board; and

16 (6) Other relevant federal, state, or local guidance as  
17 appropriate.

18 (e) The Division of Highways may provide assistance to and  
19 coordinate with regional and local agencies in developing and  
20 implementing complementary complete streets policies. In the  
21 development of projects within municipal boundaries, the Division  
22 of Highways and municipality may share expertise in multimodal  
23 transportation planning.

24 (f) The Division of Highways is encouraged to modify its

1 procedures, documents, training systems and performance measures in  
2 a timely manner to ensure the needs of all users of the  
3 transportation system are included in all phases of the projects.  
4 The Division of Highways is encouraged to create an implementation  
5 plan, including a schedule and a regional and local government and  
6 public outreach plan, in consultation with the advisory board as  
7 outlined in section three of this article.

8 **§17-4A-2. Exceptions.**

9 (a) The provision of facilities pursuant to section one of  
10 this article is not required if the commissioner determines that:

11 (1) Use of a transportation facility by pedestrians,  
12 bicyclists or other users is prohibited by law;

13 (2) The cost of new accommodation would be disproportionate to  
14 the need or probable use;

15 (3) There is a demonstrated absence of future need as  
16 determined by factors such as current and future land use, current  
17 and projected user volumes, population density and crash data;

18 (4) The time-sensitive or expedited nature of the project  
19 would be adversely affected; or

20 (5) The project has already moved beyond the initial planning  
21 stage at the time this article goes into effect.

22 (b) The commissioner is encouraged to consult local and  
23 regional plans and leaders, as appropriate, in assessing  
24 exceptions.

1 (c) Documentation of any granted exceptions may be made  
2 publicly available and shared with the advisory board as  
3 established in section three of this article.

4 **§17-4A-3. Complete Streets Advisory Board.**

5 (a) A Complete Streets Advisory Board to the Division of  
6 Highways is established to:

7 (1) Provide and facilitate communication, education and advice  
8 between the Division of Highways, counties, municipalities,  
9 interest groups and the public;

10 (2) Make recommendations to the Division of Highways, counties  
11 and municipalities for restructuring procedures, updating design  
12 guidance, providing educational opportunities to employees and  
13 creating new measures to track the success of multimodal planning  
14 and design; and

15 (3) Submit to the Joint Committee on Government and Finance,  
16 through the Division of Highways, an annual report as outlined  
17 herein.

18 (b) The advisory board shall consist of sixteen members,  
19 designated as follows:

20 (1) The Commissioner of Highways or his or her designee;

21 (2) The Secretary of the Department of Transportation or his  
22 or her designee;

23 (3) The Secretary of the Department of Health and Human  
24 Resources or his or her designee; and

1 (4) Thirteen members that serve at the will and pleasure of  
2 the Governor and appointed by the Governor as follows:

3 (A) One member who is a licensed engineer with expertise in  
4 transportation or civil engineering;

5 (B) One member representing the American Planning Association;

6 (C) One member representing a state association of counties;

7 (D) One member representing state association of  
8 municipalities;

9 (E) One member representing a major regional or local public  
10 transportation agency;

11 (F) One member representing a national association of retired  
12 persons;

13 (G) One member representing an organization interested in the  
14 promotion of bicycling;

15 (H) One member representing an organization interested in the  
16 promotion of walking and health;

17 (I) One member representing an organization representing  
18 persons with disabilities;

19 (J) One member representing an automobile and/or trucking  
20 organization; and

21 (K) Three members of the general public interested in  
22 promoting complete streets policies, one representing each  
23 congressional district, as determined by the Governor.

24 (c) The Commissioner of Highways shall serve as the first

1 chair of the advisory committee. The advisory committee shall meet  
2 at least twice a year and at the call of the chair or a majority of  
3 the members. The members of the committee shall annually elect one  
4 of its members to serve as chair after the first year.

5 (d) The initial terms of appointment for members appointed by  
6 the Governor shall be as follows: Three members appointed to a term  
7 of one year, three members appointed to a term of two years, three  
8 members appointed to a term of three years, and four members  
9 appointed to a term of four years. Thereafter each member shall be  
10 appointed for four years. Members shall serve until his or her  
11 successor is appointed. In the case of a vacancy the appointee  
12 shall serve the remainder of the unexpired term. Members of the  
13 advisory committee may succeed themselves and shall serve without  
14 compensation. The members appointed by the Governor are entitled  
15 to be reimbursed in a manner consistent with the guidelines of the  
16 travel management office of the Department of Administration for  
17 actual and necessary mileage expenses incurred while attending  
18 official meetings of the Complete Streets Advisory Board.

19 (e) By December 1, 2013, and annually December 1 thereafter,  
20 the advisory board shall submit a report to the Governor, the  
21 Commissioner of Highways, and the Joint Committee on Government and  
22 Finance on the status of implementation of section one of this  
23 article.

24 (1) The reports shall include information such as:

1 (A) A summary of actions taken by the Division of Highways in  
2 the preceding year to improve the safety, access and mobility of  
3 roadways pursuant to section one of this article;

4 (B) Modifications made to or recommended for protocols,  
5 guidance, standards or other requirements to facilitate complete  
6 streets implementation;

7 (C) Status of the development of multimodal performance  
8 indicators;

9 (D) Any information obtained on the use made of bicycle,  
10 pedestrian, transit and highway facilities together with the  
11 existing target level of use for these modes, if any;

12 (E) Available crash statistics by mode, age, road type and  
13 location and other relevant factors; and

14 (F) Other related information that may be requested by the  
15 Governor or Legislature.

16 (2) The report shall be coordinated with the Division of  
17 Highways.

NOTE: The purpose of this bill is to encourage that streets are safe, efficient and convenient for travel by all users, including pedestrians, bicyclists, motorists and transit riders, in the policies, design guidance, planning, development, construction and maintenance of roads in this state.

This article is new; therefore, strike-throughs and underscoring have been omitted.